

# Calendar No. 427

117TH CONGRESS  
2D SESSION

# S. 2150

[Report No. 117-121]

To prevent catastrophic wildland fires by establishing a commission to study and recommend wildland fire prevention, mitigation, suppression, management, and rehabilitation policies for the Federal Government, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JUNE 21, 2021

Mr. ROMNEY (for himself and Mr. KELLY) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

JUNE 21, 2022

Reported by Mr. PETERS, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

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# A BILL

To prevent catastrophic wildland fires by establishing a commission to study and recommend wildland fire prevention, mitigation, suppression, management, and rehabilitation policies for the Federal Government, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1   **SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “Wildland Fire Mitiga-  
3   tion and Management Commission Act of 2021”.

4   **SEC. 2. DEFINITIONS.**

5       In this Act:

6           (1) APPROPRIATE COMMITTEES OF CON-  
7   GRESS.—The term “appropriate committees of Con-  
8   gress” means—

9               (A) the Committee on Energy and Natural  
10      Resources of the Senate;

11               (B) the Committee on Agriculture, Nutri-  
12      tion, and Forestry of the Senate;

13               (C) the Committee on Homeland Security  
14      and Governmental Affairs of the Senate;

15               (D) the Committee on Appropriations of  
16      the Senate;

17               (E) the Committee on Natural Resources  
18      of the House of Representatives;

19               (F) the Committee on Agriculture of the  
20      House of Representatives;

21               (G) the Committee on Homeland Security  
22      of the House of Representatives;

23               (H) the Committee on Appropriations of  
24      the House of Representatives; and

25               (I) the Committee on Ways and Means of  
26      the House of Representatives.

1                   (2) COMMISSION.—The term “Commission”  
2 means the commission established under section  
3 3(a).

4                   (3) HIGH-RISK INDIAN TRIBAL GOVERNMENT.—  
5 The term “high-risk Indian tribal government”  
6 means an Indian tribal government, during not  
7 fewer than 4 of the 5 years preceding the date of en-  
8 actment of this Act—

9                   (A) that received fire management assist-  
10 ance under section 420 of the Robert T. Staf-  
11 ford Disaster Relief and Emergency Assistance  
12 Act (42 U.S.C. 5187); or

13                   (B) land of which included an area for  
14 which the President declared a major disaster  
15 for fire in accordance with section 401 of that  
16 Act (42 U.S.C. 5170).

17                   (4) HIGH-RISK STATE.—The term “high-risk  
18 State” means a State that, during not fewer than 4  
19 of the 5 years preceding the date of enactment of  
20 this Act—

21                   (A) received fire management assistance  
22 under section 420 of the Robert T. Stafford  
23 Disaster Relief and Emergency Assistance Act  
24 (42 U.S.C. 5187); or

(B) included an area for which the President declared a major disaster for fire in accordance with section 401 of that Act (42 U.S.C. 5170).

5                         (5) INDIAN TRIBAL GOVERNMENT.—The term  
6     “Indian tribal government” has the meaning given  
7     the term in section 102 of the Robert T. Stafford  
8     Disaster Relief and Emergency Assistance Act (42  
9     U.S.C. 5122).

10                   (6) SECRETARIES.—The term “Secretaries”  
11                   means—

17                             (7) STATE.—The term “State” has the mean-  
18                             ing given the term in section 102 of the Robert T.  
19                             Stafford Disaster Relief and Emergency Assistance  
20                             Act (42 U.S.C. 5122).

1   **SEC. 3. ESTABLISHMENT OF COMMISSION.**

2       (a) **ESTABLISHMENT.**—Not later than 30 days after  
3   the date of enactment of this Act, the Secretaries shall  
4   jointly establish a commission to study and make rec-  
5   ommendations to improve Federal policies relating to—

6              (1) the prevention, mitigation, suppression, and  
7   management of wildland fires in the United States;  
8   and

9              (2) the rehabilitation of land in the United  
10   States devastated by wildland fires.

11       (b) **MEMBERSHIP.**—

12              (1) **COMPOSITION.**—The Commission shall be  
13   composed of—

14                  (A) each of the Secretaries (or designees),  
15   who shall jointly serve as the co-chairpersons of  
16   the Commission;

17                  (B) not greater than 8 representatives of  
18   Federal departments or agencies, to be ap-  
19   pointed by the Secretaries, including—

20                      (i) not fewer than 1 representative  
21   from each of—

22                          (I) the Bureau of Land Manage-  
23   ment;

24                          (II) the National Park Service;

25                          (III) the Bureau of Indian Af-  
26   fairs; and

#### (IV) the Forest Service;

2 (ii) a representative of or liaison to  
3 the Mitigation Framework Leadership  
4 Group of the Federal Emergency Manage-  
5 ment Agency;

(iv) a representative from 1 of the co-ordinating agencies of the Recovery Support Function Leadership Group; and

(C) not greater than 17 non-Federal stakeholders with expertise in wildland fire preparedness, mitigation, suppression, or management, who collectively have a combination of backgrounds, experiences, and viewpoints and are representative of rural, urban, and suburban

1 areas, to be appointed by the Secretaries, in-  
2 cluding—

3 (i) not fewer than 1 State hazard  
4 mitigation officer of a high-risk State (or  
5 a designee);

6 (ii) with preference given to representa-  
7 tives from high-risk States and high-risk  
8 Indian tribal governments, not fewer than  
9 1 representative from each of—

10 (I) a State department of natural  
11 resources, forestry, or agriculture or a  
12 similar State agency;

13 (II) a State department of energy  
14 or a similar State agency;

15 (III) a county government, with  
16 preference given to counties at least a  
17 portion of which is in the wildland-  
18 urban interface; and

19 (IV) a municipal government,  
20 with preference given to municipalities  
21 at least a portion of which is in the  
22 wildland-urban interface;

23 (iii) with preference given to rep-  
24 resentatives from high-risk States and

1                   high-risk Indian tribal governments, not  
2                   fewer than 1 representative from each of—  
3                         (I) the public utility industry;  
4                         (II) the property development in-  
5                         dustry; and  
6                         (III) Indian tribal governments;  
7                         and  
8                         (iv) any other appropriate non-Fed-  
9                         eral stakeholders, which may include the  
10                       private sector, with preference given to  
11                       non-Federal stakeholders from high-risk  
12                       States and high-risk Indian tribal govern-  
13                       ments.

14                   (2) STATE LIMITATION.—Each member of the  
15                       Commission appointed under clauses (i) and (ii) of  
16                       paragraph (1)(C) shall represent a different State.

17                   (3) DATE.—The appointments of the members  
18                       of the Commission shall be made not later than 60  
19                       days after the date of enactment of this Act.

20                   (e) PERIOD OF APPOINTMENT; VACANCIES.—

21                   (1) IN GENERAL.—A member of the Commis-  
22                       sion shall be appointed for the life of the Commis-  
23                       sion.

24                   (2) VACANCIES.—A vacancy in the Commis-  
25                       sion—

1                   (A) shall not affect the powers of the Com-  
2                   mission; and

3                   (B) shall be filled in the same manner as  
4                   the original appointment.

5                   (d) MEETINGS.—

6                   (1) INITIAL MEETING.—Not later than 30 days  
7                   after the date on which all members of the Commis-  
8                   sion have been appointed, the Commission shall hold  
9                   the first meeting of the Commission.

10                  (2) FREQUENCY.—The Commission shall meet  
11                  not less frequently than once every 30 days.

12                  (3) TYPE.—The Commission may hold meet-  
13                  ings, and a member of the Commission may partici-  
14                  pate in a meeting, remotely through teleconference,  
15                  video conference, or similar means.

16                  (4) QUORUM.—A majority of the members of  
17                  the Commission shall constitute a quorum, but a  
18                  lesser number of members may hold hearings.

19                  **SEC. 4. DUTIES OF COMMISSION.**

20                  (a) REPORT ON RECOMMENDATIONS TO MITIGATE  
21                  AND MANAGE WILDLAND FIRES.—

22                  (1) IN GENERAL.—Not later than 1 year after  
23                  the date of the first meeting of the Commission, the  
24                  Commission shall submit to the appropriate commit-  
25                  tees of Congress a report describing recommenda-

1       tions to prevent, mitigate, suppress, and manage  
2       wildland fires, including—

3                   (A) policy recommendations, including ree-  
4                   ommendations—

5                   (i) to maximize the protection of  
6                   human life, community water supplies,  
7                   homes, and other essential structures,  
8                   which may include recommendations to ex-  
9                   pand the use of initial attack strategies;

10                  (ii) to facilitate efficient short- and  
11                  long-term forest management in residential  
12                  and nonresidential at-risk areas;

13                  (iii) to manage the wildland-urban  
14                  interface;

15                  (iv) to manage utility corridors; and

16                  (v) to rehabilitate land devastated by  
17                  wildland fire;

18                  (B) policy recommendations described in  
19                  subparagraph (A) with respect to any ree-  
20                  ommendations for categorical exclusions from  
21                  the requirement to prepare an environmental  
22                  impact statement or analysis under the Na-  
23                  tional Environmental Policy Act of 1969 (42  
24                  U.S.C. 4321 et seq.);

(C) policy recommendations for modernizing and expanding the use of technology, including satellite technology, to prevent, mitigate, suppress, and manage wildland fires, including any recommendations with respect to—

(i) the implementation of section 1114

of the John D. Dingell, Jr. Conservation, Management, and Recreation Act (43 U.S.C. ~~1748b-1~~); or

(ii) improving early wildland fire de-  
ion;

(D) an assessment of Federal spending on wildland fire-related disaster management, including—

(i) a description and assessment of Federal grant programs for States and units of local government for pre- and post-wildland fire disaster mitigation and recovery, including—

(I) the amount of funding provided under each program;

(H) the effectiveness of each program with respect to long-term forest management and maintenance; and

(III) recommendations to improve the effectiveness of each program, including with respect to—

(aa) the conditions on the use of funds received under the program; and

(bb) the extent to which additional funds are necessary for the program;

(ii) an evaluation, including recommendations to improve the effectiveness of—

(I) the Building Resilient Infrastructure and Communities program under section 203 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133);

(H) the Pre-Disaster Mitigation program under that section (42 U.S.C. 5133);

(III) the Hazard Mitigation Grant Program under section 404 of that Act (42 U.S.C. 5170e); and

(I) the exclusion of the percentage of land owned by an entity other than a State or unit of local government; and

14 (III) any related economic impact  
15 of that exclusion; and

16 (iv) recommendations for Federal  
17 budgeting for wildland fires;

(E) any recommendations for matters under subparagraph (A), (B), (C), or (D) specific to—

(i) forest type, vegetation type, or forest and vegetation type; or

1 (F)(i) a review of the national strategy de-  
2 scribed in the report entitled "The National  
3 Strategy: The Final Phase in the Development  
4 of the National Cohesive Wildland Fire Man-  
5 agement Strategy" and dated April 2014; and

(ii) any recommendations for changes to  
that national strategy to improve its effectiveness.

21 (b) REPORT ON AERIAL WILDLAND FIREFIGHTING  
22 EQUIPMENT STRATEGY AND INVENTORY ASSESSMENT.—

23                             (1) SUBMISSION OF INVENTORY TO THE COM-  
24                             MISSION.—Not later than 45 days after the date on  
25                             which the Commission holds the first meeting of the

1       Commission, the Secretary of Defense and the heads  
2       of other relevant Federal departments and agencies  
3       shall submit to the Commission an inventory of sur-  
4       plus cargo and passenger aircraft and excess com-  
5       mon-use aircraft parts that may be used for wildland  
6       firefighting purposes; excluding any aircraft or air-  
7       craft parts that are—

- 8                     (A) reasonably anticipated to be necessary  
9                     for military operations, readiness, or fleet man-  
10                  agement in the future; or  
11                     (B) already obligated for purposes other  
12                  than fighting wildland fires.

13                     (2) SUBMISSION OF REPORT TO CONGRESS.—  
14       Not later than 90 days after the date on which the  
15       Commission receives the inventory described in para-  
16       graph (1), the Commission shall submit to the ap-  
17       propriate committees of Congress a report outlining  
18       a strategy to meet aerial firefighting equipment  
19       needs through 2030 in the most cost-effective man-  
20       ner, including—

- 21                     (A) an assessment of the expected number  
22                  of aircraft and aircraft parts needed to fight  
23                  wildland fires through 2030;  
24                     (B) an assessment of existing authorities  
25                  of the Secretary of Defense and the heads of

1           other relevant Federal departments and agen-  
2           cies to provide or sell surplus aircraft or air-  
3           craft parts to Federal, State, or local authori-  
4           ties for wildland firefighting use, including—

5                 (i) a description of the current use of  
6                 each existing authority; and

7                 (ii) a description of any additional au-  
8                 thorities that are needed for the Secretary  
9                 of Defense and the heads of other relevant  
10                Federal departments and agencies to pro-  
11                vide or sell surplus aircraft or aircraft  
12                parts to Federal, State, or local authorities  
13                for wildland firefighting use; and

14                 (C) recommendations to ensure the avail-  
15                 ability of aircraft and aircraft parts that the  
16                 Commission expects will be necessary to fight  
17                 wildland fires through 2030 in the most cost ef-  
18                 fектив manner.

19                 (3) CONSIDERATIONS FOR ACCESSING AIRCRAFT  
20                 AND AIRCRAFT PARTS.—In developing the strategy  
21                 in the report required under paragraph (2) and the  
22                 recommendations under paragraph (2)(C), the Com-  
23                 mission shall consider all private and public sector  
24                 options for accessing necessary aircraft and aircraft

1 parts, including procurement, contracting, retro-  
2 fitting, and public-private partnerships.

3 (4) UNCLASSIFIED REPORT.—The inventory  
4 and report submitted under paragraphs (1) and (2),  
5 respectively—

6 (A) shall be unclassified; but

7 (B) may include a classified annex.

8 (e) MAJORITY REQUIREMENT.—Not less than  $\frac{2}{3}$  of  
9 the members of the Commission shall approve the re-  
10 commendations contained in each report submitted under  
11 subsection (a) or (b)(2).

12 **SEC. 5. POWERS OF COMMISSION.**

13 (a) HEARINGS.—The Commission may hold such  
14 hearings, sit and act at such times and places, take such  
15 testimony, and receive such evidence as the Commission  
16 considers advisable to carry out this Act.

17 (b) INFORMATION FROM FEDERAL AGENCIES.—

18 (1) IN GENERAL.—The Commission may secure  
19 directly from a Federal department or agency such  
20 information as the Commission considers necessary  
21 to carry out this Act.

22 (2) FURNISHING INFORMATION.—On request of  
23 the Chairpersons of the Commission, the head of the  
24 department or agency shall furnish the information  
25 to the Commission.

1       (e) POSTAL SERVICES.—The Commission may use  
2 the United States mails in the same manner and under  
3 the same conditions as other departments and agencies of  
4 the Federal Government.

5       (d) GIFTS.—The Commission may accept, use, and  
6 dispose of such gifts or donations of services or property  
7 as the Commission considers necessary to carry out this  
8 Act.

9 **SEC. 6. COMMISSION PERSONNEL MATTERS.**

10     (a) NO COMPENSATION.—A member of the Commis-  
11 sion shall serve without compensation.

12     (b) TRAVEL EXPENSES.—A member of the Commis-  
13 sion shall be allowed travel expenses, including per diem  
14 in lieu of subsistence, at rates authorized for employees  
15 of agencies under subchapter I of chapter 57 of title 5,  
16 United States Code, while away from their homes or reg-  
17 ular places of business in the performance of services for  
18 the Commission.

19     (c) STAFF.—

20       (i) IN GENERAL.—The Chairpersons of the  
21 Commission may, without regard to the civil service  
22 laws (including regulations), appoint and terminate  
23 an executive director and such other additional per-  
24 sonnel as may be necessary to enable the Commis-  
25 sion to perform its duties, except that the employ-

1       ment of an executive director shall be subject to con-  
2       firmation by the Commission.

3           (2) COMPENSATION.—The Chairpersons of the  
4       Commission may fix the compensation of the execu-  
5       tive director and other personnel without regard to  
6       chapter 51 and subchapter III of chapter 53 of title  
7       5, United States Code, relating to classification of  
8       positions and General Schedule pay rates, except  
9       that the rate of pay for the executive director and  
10      other personnel may not exceed the rate payable for  
11      level V of the Executive Schedule under section 5316  
12      of that title.

13           (d) DETAIL OF GOVERNMENT EMPLOYEES.—A Fed-  
14      eral Government employee may be detailed to the Commis-  
15      sion without reimbursement, and such detail shall be with-  
16      out interruption or loss of civil service status or privilege.

17           (e) PROCUREMENT OF TEMPORARY AND INTERMIT-  
18      TENT SERVICES.—The Chairpersons of the Commission  
19      may procure temporary and intermittent services under  
20      section 3109(b) of title 5, United States Code, at rates  
21      for individuals that do not exceed the daily equivalent of  
22      the annual rate of basic pay prescribed for level V of the  
23      Executive Schedule under section 5316 of that title.

1   **SEC. 7. TERMINATION OF COMMISSION.**

2       The Commission shall terminate on the date that is  
3   180 days after the date on which the Commission has sub-  
4   mitted the reports under subsections (a) and (b) of section  
5   4.

6   **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

7       There is authorized to be appropriated to carry out  
8   this Act \$1,000,000.

9   **SECTION 1. SHORT TITLE.**

10      *This Act may be cited as the “Wildland Fire Mitiga-  
11 tion and Management Commission Act of 2021”.*

12   **SEC. 2. DEFINITIONS.**

13      *In this Act:*

14           *(1) APPROPRIATE COMMITTEES OF CONGRESS.—  
15       The term “appropriate committees of Congress”  
16       means—*

17           *(A) the Committee on Energy and Natural  
18       Resources of the Senate;*

19           *(B) the Committee on Agriculture, Nutri-  
20       tion, and Forestry of the Senate;*

21           *(C) the Committee on Homeland Security  
22       and Governmental Affairs of the Senate;*

23           *(D) the Committee on Appropriations of the  
24       Senate;*

25           *(E) the Committee on Environment and  
26       Public Works of the Senate;*

(G) the Committee on Agriculture of the  
House of Representatives;

(H) the Committee on Homeland Security  
of the House of Representatives;

7                           (I) the Committee on Appropriations of the  
8                           House of Representatives;

(J) the Committee on Ways and Means of  
the House of Representatives; and

13                             (2) *COMMISSION*.—The term “*Commission*”  
14 means the commission established under section 3(a).

1           *fire in accordance with section 401 of that Act*  
2           *(42 U.S.C. 5170).*

3           *(4) HIGH-RISK STATE.—The term “high-risk*  
4           *State” means a State that, during not fewer than 4*  
5           *of the 5 years preceding the date of enactment of this*  
6           *Act—*

7           *(A) received fire management assistance*  
8           *under section 420 of the Robert T. Stafford Dis-*  
9           *aster Relief and Emergency Assistance Act (42*  
10          *U.S.C. 5187); or*

11          *(B) included an area for which the Presi-*  
12          *dent declared a major disaster for fire in accord-*  
13          *ance with section 401 of that Act (42 U.S.C.*  
14          *5170).*

15          *(5) INDIAN TRIBAL GOVERNMENT.—The term*  
16          *“Indian tribal government” has the meaning given*  
17          *the term in section 102 of the Robert T. Stafford Dis-*  
18          *aster Relief and Emergency Assistance Act (42 U.S.C.*  
19          *5122).*

20          *(6) SECRETARIES.—The term “Secretaries”*  
21          *means—*

22          *(A) the Secretary of the Interior;*  
23          *(B) the Secretary of Agriculture; and*

*(C) the Secretary of Homeland Security,  
acting through the Administrator of the Federal  
Emergency Management Agency.*

(7) STATE.—The term “State” has the meaning given the term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).

(8) *WILDLAND-URBAN INTERFACE*.—The term “*wildland-urban interface*” has the meaning given the term in section 101 of the *Healthy Forests Restoration Act* of 2003 (16 U.S.C. 6511).

## 12 SEC. 3. ESTABLISHMENT OF COMMISSION.

13           (a) *ESTABLISHMENT.—Not later than 30 days after*  
14 *the date of enactment of this Act, the Secretaries shall joint-*  
15 *ly establish a commission to study and make recommenda-*  
16 *tions to improve Federal policies relating to—*

17                   (1) *the prevention, mitigation, suppression, and*  
18                   *management of wildland fires in the United States;*  
19                   *and*

(2) the rehabilitation of land in the United States devastated by wildland fires.

22 (b) MEMBERSHIP.—

23                   (1) *COMPOSITION.—The Commission shall be*  
24                   *composed of—*

- 1                   (A) each of the Secretaries (or designees),  
2                   who shall jointly serve as the co-chairpersons of  
3                   the Commission;
- 4                   (B) 9 representatives of Federal depart-  
5                   ments or agencies, to be appointed by the Secre-  
6                   taries, including—  
7                         (i) not fewer than 1 representative  
8                         from each of—  
9                             (I) the Bureau of Land Manage-  
10                         ment;  
11                         (II) the National Park Service;  
12                         (III) the Bureau of Indian Af-  
13                         fairs;  
14                         (IV) the United States Fish and  
15                         Wildlife Service; and  
16                         (V) the Forest Service;  
17                         (ii) a representative of or liaison to the  
18                         Mitigation Framework Leadership Group of  
19                         the Federal Emergency Management Agen-  
20                         cy;  
21                         (iii) a representative to the National  
22                         Interagency Coordination Center, which is  
23                         part of the National Wildfire Coordination  
24                         Group;

1                             (iv) a representative from 1 of the co-  
2                             ordinating agencies of the Recovery Support  
3                             Function Leadership Group; and

4                             (v) if the Secretaries determine it to be  
5                             appropriate, a representative of any other  
6                             Federal department or agency, such as the  
7                             Department of Energy, the Environmental  
8                             Protection Agency, or the Department of  
9                             Defense; and

10                             (C) 18 non-Federal stakeholders with exper-  
11                             tise in wildland fire preparedness, mitigation,  
12                             suppression, or management, who collectively  
13                             have a combination of backgrounds, experiences,  
14                             and viewpoints and are representative of rural,  
15                             urban, and suburban areas, to be appointed by  
16                             the Secretaries, including—

17                                 (i) not fewer than 1 State hazard miti-  
18                             gation officer of a high-risk State (or a des-  
19                             ignee);

20                                 (ii) with preference given to represent-  
21                             atives from high-risk States and high-risk  
22                             Indian tribal governments, not fewer than 1  
23                             representative from each of—

(I) a State department of natural resources, forestry, or agriculture or a similar State agency;

(II) a State department of energy or a similar State agency;

(III) a county government, with preference given to counties at least a portion of which is in the wildland-urban interface; and

*(IV) a municipal government, with preference given to municipalities at least a portion of which is in the wildland-urban interface;*

(iii) with preference given to representatives from high-risk States and high-risk Indian tribal governments, not fewer than 1 representative from each of—

### *(I) the public utility industry;*

## *(II) the property development industry;*

### *(III) Indian tribal governments;*

(IV) wildland firefighters; and

(V) *an organization*—

(aa) described in section 501(c)(3) of the Internal Revenue

*Code of 1986 and exempt from taxation under section 501(a) of that Code; and*

(bb) with expertise in forest management and environmental conservation;

(iv) not greater than 2 other appropriate non-Federal stakeholders, which may include the private sector; and

15                           (2) *STATE LIMITATION.*—Each member of the  
16                           Commission appointed under clauses (i) and (ii) of  
17                           paragraph (1)(C) shall represent a different State.

18                   (3) *DATE.—The appointments of the members of*  
19                   *the Commission shall be made not later than 60 days*  
20                   *after the date of enactment of this Act.*

**21 (c) PERIOD OF APPOINTMENT: VACANCIES.—**

(1) *IN GENERAL.*—A member of the Commission shall be appointed for the life of the Commission.

24                           (2) *VACANCIES.—A vacancy in the Commission—*  
25                           *sion—*

1                   (A) shall not affect the powers of the Com-  
2                   mission; and

3                   (B) shall be filled in the same manner as  
4                   the original appointment.

5                   (d) MEETINGS.—

6                   (1) INITIAL MEETING.—Not later than 30 days  
7                   after the date on which all members of the Commis-  
8                   sion have been appointed, the Commission shall hold  
9                   the first meeting of the Commission.

10                  (2) FREQUENCY.—The Commission shall meet  
11                  not less frequently than once every 30 days.

12                  (3) TYPE.—The Commission may hold meetings,  
13                  and a member of the Commission may participate in  
14                  a meeting, remotely through teleconference, video con-  
15                  ference, or similar means.

16                  (4) QUORUM.—A majority of the members of the  
17                  Commission shall constitute a quorum, but a lesser  
18                  number of members may hold hearings.

19                  **SEC. 4. DUTIES OF COMMISSION.**

20                  (a) REPORT ON RECOMMENDATIONS TO MITIGATE AND  
21                  MANAGE WILDLAND FIRES.—

22                  (1) IN GENERAL.—Not later than 1 year after  
23                  the date of the first meeting of the Commission, the  
24                  Commission shall submit to the appropriate commit-  
25                  tees of Congress a report describing recommendations

1       *to prevent, mitigate, suppress, and manage wildland*  
2       *fires, including—*

3           *(A) policy recommendations, including rec-*  
4           *ommendations—*

5              *(i) to maximize the protection of*  
6              *human life, community water supplies,*  
7              *homes, and other essential structures, which*  
8              *may include recommendations to expand*  
9              *the use of initial attack strategies;*

10             *(ii) to facilitate efficient short- and*  
11             *long-term forest management in residential*  
12             *and nonresidential at-risk areas, which*  
13             *may include a review of community wild-*  
14             *fire protection plans;*

15             *(iii) to manage the wildland-urban*  
16             *interface;*

17             *(iv) to manage utility corridors;*

18             *(v) to rehabilitate land devastated by*  
19             *wildland fire; and*

20             *(vi) to improve the capacity of the Sec-*  
21             *retary of Agriculture and the Secretary of*  
22             *the Interior to conduct hazardous fuels re-*  
23             *duction projects;*

1                   (B) policy recommendations described in  
2                   subparagraph (A) with respect to any rec-  
3                   ommendations for—

4                   (i) categorical exclusions from the re-  
5                   quirement to prepare an environmental im-  
6                   pact statement or analysis under the Na-  
7                   tional Environmental Policy Act of 1969  
8                   (42 U.S.C. 4321 et seq.); or

9                   (ii) additional staffing or resources  
10                  that may be necessary to more expeditiously  
11                  prepare an environmental impact statement  
12                  or analysis under that Act;

13                  (C) policy recommendations for modern-  
14                  izing and expanding the use of technology, in-  
15                  cluding satellite technology, remote sensing, un-  
16                  manned aircraft systems, and any other type of  
17                  emerging technology, to prevent, mitigate, sup-  
18                  press, and manage wildland fires, including any  
19                  recommendations with respect to—

20                  (i) the implementation of section 1114  
21                  of the John D. Dingell, Jr. Conservation,  
22                  Management, and Recreation Act (43  
23                  U.S.C. 1748b-1); or

24                  (ii) improving early wildland fire de-  
25                  tection;

1                   (D) an assessment of Federal spending on  
2                   wildland fire-related disaster management, in-  
3                   cluding—

4                   (i) a description and assessment of  
5                   Federal grant programs for States and  
6                   units of local government for pre- and post-  
7                   wildland fire disaster mitigation and recov-  
8                   ery, including—

9                   (I) the amount of funding pro-  
10                  vided under each program;

11                  (II) the effectiveness of each pro-  
12                  gram with respect to long-term forest  
13                  management and maintenance; and

14                  (III) recommendations to improve  
15                  the effectiveness of each program, in-  
16                  cluding with respect to—

17                  (aa) the conditions on the use  
18                  of funds received under the pro-  
19                  gram; and

20                  (bb) the extent to which addi-  
21                  tional funds are necessary for the  
22                  program;

23                  (ii) an evaluation, including rec-  
24                  ommendations to improve the effectiveness

1           *in mitigating wildland fires, which may in-*  
2           *clude authorizing prescribed fires, of—*

3                 *(I) the Building Resilient Infra-*  
4                 *structure and Communities program*  
5                 *under section 203 of the Robert T.*  
6                 *Stafford Disaster Relief and Emer-*  
7                 *gency Assistance Act (42 U.S.C. 5133);*

8                 *(II) the Pre-Disaster Mitigation*  
9                 *program under that section (42 U.S.C.*  
10                 *5133);*

11                 *(III) the Hazard Mitigation*  
12                 *Grant Program under section 404 of*  
13                 *that Act (42 U.S.C. 5170c);*

14                 *(IV) Hazard Mitigation Grant*  
15                 *Program post-fire assistance under sec-*  
16                 *tions 404 and 420 of that Act (42*  
17                 *U.S.C. 5170c, 5187); and*

18                 *(V) such other programs as the*  
19                 *Commission determines to be appro-*  
20                 *priate;*

21                 *(iii) an assessment of the definition of*  
22                 *“small impoverished community” under sec-*  
23                 *tion 203(a) of the Robert T. Stafford Dis-*  
24                 *aster Relief and Emergency Assistance Act*  
25                 *(42 U.S.C. 5133(a)), specifically—*

### *(I) the exclusion of the percentage*

*of land owned by an entity other than*

*a State or unit of local government;*

*and*

(II) any related economic impact

*of that exclusion; and*

(iv) recommendations for Federal

## *Getting for wildland fires and post-wild-*

*recovery;*

*any recommendations for matters under*

*raph (A), (B), (C), or (D) specific to—*

(i) forest type, vegetation type, or for-

*est and vegetation type; or*

(ii) State land, Tribal land, or private

*land;*

(F)(i) a review of the national strategy de-

bed in the report entitled "The National

## *Strategy: The Final Phase in the Development of*

## *National Cohesive Wildland Fire Manage-*

*t Strategy” and dated April 2014; and*

(ii) any recommendations for changes to

*national strategy to improve its effective-*

; and

(G)(i) an evaluation of coordination of re-

1           on Federal, Tribal, State, and local land among  
2           Federal, Tribal, State, and local agencies with  
3           jurisdiction over that land; and

4                 (ii) any recommendations to improve the  
5                 coordination described in clause (i).

6                 (2) *SPECIFIC POLICY RECOMMENDATIONS.*—To  
7                 the maximum extent practicable, the report described  
8                 in paragraph (1) shall include detailed short- and  
9                 long-term policy recommendations, including any rec-  
10                 ommendations for Federal legislation.

11                 (3) *INTERIM REPORTS.*—Before the submission of  
12                 the report under paragraph (1), on approval of all  
13                 members of the Commission, the Commission may  
14                 submit to the appropriate committees of Congress 1 or  
15                 more interim reports, as the Commission determines  
16                 to be appropriate, relating to any matters described  
17                 in paragraph (1).

18                 (b) *REPORT ON AERIAL WILDLAND FIREFIGHTING*  
19                 *EQUIPMENT STRATEGY AND INVENTORY ASSESSMENT.*—

20                 (1) *SUBMISSION OF INVENTORY TO THE COMMIS-*  
21                 *SION.*—Not later than 45 days after the date on which  
22                 the Commission holds the first meeting of the Com-  
23                 mission, the Secretary of Defense and the heads of  
24                 other relevant Federal departments and agencies shall  
25                 submit to the Commission an inventory of surplus

1       *cargo and passenger aircraft and excess common-use*  
2       *aircraft parts that may be used for wildland fire-*  
3       *fighting purposes, excluding any aircraft or aircraft*  
4       *parts that are—*

- 5               *(A) reasonably anticipated to be necessary*  
6               *for military operations, readiness, or fleet man-*  
7               *agement in the future; or*
- 8               *(B) already obligated for purposes other*  
9               *than fighting wildland fires.*

10          *(2) SUBMISSION OF REPORT TO CONGRESS.—Not*  
11          *later than 90 days after the date on which the Com-*  
12          *mission receives the inventory described in paragraph*  
13          *(1), the Commission shall submit to the appropriate*  
14          *committees of Congress a report outlining a strategy*  
15          *to meet aerial firefighting equipment needs through*  
16          *2030 in the most cost-effective manner, including—*

- 17               *(A) an assessment of the expected number of*  
18               *aircraft and aircraft parts needed to fight*  
19               *wildland fires through 2030;*
- 20               *(B) an assessment of existing authorities of*  
21               *the Secretary of Defense and the heads of other*  
22               *relevant Federal departments and agencies to*  
23               *provide or sell surplus aircraft or aircraft parts*  
24               *to Federal, State, or local authorities for*  
25               *wildland firefighting use, including—*

(i) a description of the current use of each existing authority; and

10                             (C) recommendations to ensure the avail-  
11                             ability of aircraft and aircraft parts that the  
12                             Commission expects will be necessary to fight  
13                             wildland fires through 2030 in the most cost-ef-  
14                             fective manner.

23                   (4) UNCLASSIFIED REPORT.—The inventory and  
24                   report submitted under paragraphs (1) and (2), re-  
25                   spectively—

1                   (A) shall be unclassified; but

2                   (B) may include a classified annex.

3                   (c) MAJORITY REQUIREMENT.—Not less than  $\frac{2}{3}$  of the  
4 members of the Commission shall approve the recommenda-  
5 tions contained in each report submitted under subsection  
6 (a) or (b)(2).

7 **SEC. 5. POWERS OF COMMISSION.**

8                   (a) HEARINGS.—The Commission may hold such hear-  
9 ings, sit and act at such times and places, take such testi-  
10 mony, and receive such evidence as the Commission con-  
11 siders advisable to carry out this Act.

12                  (b) INFORMATION FROM FEDERAL AGENCIES.—

13                  (1) IN GENERAL.—The Commission may secure  
14 directly from a Federal department or agency such  
15 information as the Commission considers necessary to  
16 carry out this Act.

17                  (2) FURNISHING INFORMATION.—On request of  
18 the Chairpersons of the Commission, the head of the  
19 department or agency shall furnish the information to  
20 the Commission.

21                  (c) POSTAL SERVICES.—The Commission may use the  
22 United States mails in the same manner and under the  
23 same conditions as other departments and agencies of the  
24 Federal Government.

1       (d) *GIFTS.*—The Commission may accept, use, and  
2 dispose of such gifts or donations of services or property  
3 as the Commission considers necessary to carry out this Act.

4 **SEC. 6. COMMISSION PERSONNEL MATTERS.**

5       (a) *NO COMPENSATION.*—A member of the Commission  
6 shall serve without compensation.

7       (b) *TRAVEL EXPENSES.*—A member of the Commission  
8 shall be allowed travel expenses, including per diem in lieu  
9 of subsistence, at rates authorized for employees of agencies  
10 under subchapter I of chapter 57 of title 5, United States  
11 Code, while away from their homes or regular places of  
12 business in the performance of services for the Commission.

13       (c) *STAFF.*—

14           (1) *IN GENERAL.*—The Chairpersons of the Com-  
15 mission may, without regard to the civil service laws  
16 (including regulations), appoint and terminate an ex-  
17 ecutive director and such other additional personnel  
18 as may be necessary to enable the Commission to per-  
19 form its duties, except that the employment of an ex-  
20 ecutive director shall be subject to confirmation by the  
21 Commission.

22           (2) *COMPENSATION.*—The Chairpersons of the  
23 Commission may fix the compensation of the execu-  
24 tive director and other personnel without regard to  
25 chapter 51 and subchapter III of chapter 53 of title

1       *5, United States Code, relating to classification of po-*  
2       *sitions and General Schedule pay rates, except that*  
3       *the rate of pay for the executive director and other*  
4       *personnel may not exceed the rate payable for level V*  
5       *of the Executive Schedule under section 5316 of that*  
6       *title.*

7       *(d) DETAIL OF GOVERNMENT EMPLOYEES.—A Federal*  
8       *Government employee may be detailed to the Commission*  
9       *without reimbursement, and such detail shall be without*  
10      *interruption or loss of civil service status or privilege.*

11      *(e) PROCUREMENT OF TEMPORARY AND INTERMIT-*  
12      *TENT SERVICES.—The Chairpersons of the Commission*  
13      *may procure temporary and intermittent services under*  
14      *section 3109(b) of title 5, United States Code, at rates for*  
15      *individuals that do not exceed the daily equivalent of the*  
16      *annual rate of basic pay prescribed for level V of the Execu-*  
17      *tive Schedule under section 5316 of that title.*

18      **SEC. 7. TERMINATION OF COMMISSION.**

19      *The Commission shall terminate on the date that is*  
20      *180 days after the date on which the Commission has sub-*  
21      *mitted the reports under subsections (a) and (b) of section*  
22      *4.*

**Calendar No. 427**

117TH CONGRESS  
2D SESSION  
**S. 2150**

[Report No. 117-121]

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**A BILL**

To prevent catastrophic wildland fires by establishing a commission to study and recommend wildland fire prevention, mitigation, suppression, management, and rehabilitation policies for the Federal Government, and for other purposes.

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JUNE 21, 2022

Reported with an amendment